## REMARKS

Claims 1-14 stand rejected under 35 USC § 102(e) as being anticipated by US Pat. App. Pub. No. 20030196096 ("Sutton"). This rejection is respectfully traversed. Claim 1 of the application requires the steps of "selecting by the apparatus a current key from a list of public keys stored in a non-volatile memory of the apparatus," "decrypting the encrypted control block using the selected current public key," and, after the selected key is used to decrypt the encrypted control block, "deactivating the current public key such that a different public key is used to decrypt a next control block." These steps are neither taught nor suggested by Sutton.

The office action relies on paragraphs 0021 and 0027 as teaching the foregoing steps. Paragraph 0021 of Sutton discusses "embedded keys" and simply states that one or more keys may be embedded in the processor. This does not disclose anything about what order the keys are used in, nor does it disclose selecting a key from a list and deactivating a key after use as required by the aforementioned steps of claim 1.

Paragraph 0027 of Sutton discusses that some embodiments have all of the keys needed by a target system embedded at the time of manufacture, whereas other embodiments make use of deliverable keys that are transmitted to the system in the patch package. The embodiments that use deliverable keys included in the patch package clearly do not meet the aforementioned requirements of claim 1 because there is no list of keys. Regarding the embodiments with embedded keys, the statement that some of the embodiments have all of the keys needed by a target system embedded at the time of manufacture does not inherently mean that there is a list of keys or that a key is deactivated after usage as required by claim 1. Rather, it might simply mean that there is a single key used to decrypt patch data, or that one of a plurality of keys is selected based on information such as information in the patch header or some other information. There

is simply no mention of selecting keys from a list and deactivating keys after use as required by claim 1, and the missing disclosure is not found in any other portion of Sutton. Accordingly, Sutton does not disclose or suggest the aforementioned limitations of claim 1 and withdrawal of the rejection is respectfully requested.
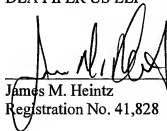
Claims 2-14 depend from claim 1 and therefore define patentable subject matter for at least the reasons discussed above in connection with claim 1. Withdrawal of the rejection of claims 2-14 is therefore also respectfully requested on this basis.

Applicants note that the dependent claims define patentable subject matter as well. For example, claim 8 requires a key to be deleted from memory once the key has been used. The office action cites paragraph 0014 of Sutton for this teaching. However, paragraph 0014 of Sutton refers to the patch and does not refer to the deletion of any key.

In light of the above, Applicants submit that this application is now in condition for allowance and therefore request favorable consideration. If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants counsel, James M. Heintz at 202.861.4167.

Respectfully submitted,

DLA PIPER US LLP

James M. Heintz
Registration No. 41,828

1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2412
Telephone No. 202.861.3900
Facsimile No. 202.223.2085